



IT IS ORDERED as set forth below:

Date: March 24, 2011

James R. Sacca
U.S. Bankruptcy Court Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:	: CASE NO 10-98869-JRS
	:
MENDY BLACK WHITE	:
JAMES HARRY WHITE, JR.	: CHAPTER 7
Debtors	:

U.S. BANK, N.A., ITS SUCCESSORS	:
AND/OR ASSIGNS,	:
Movant,	:
	: CONTESTED MATTER
vs.	:
	:
MENDY BLACK WHITE	:
JAMES HARRY WHITE, JR.	:
JASON L. PETTIE, Trustee	:
Respondents.	:
	:

ORDER MODIFYING AUTOMATIC STAY

U.S. BANK, N.A., ITS SUCCESSORS AND/OR ASSIGNS, for itself, its successors and assigns (the "Movant"), filed a Motion for Relief from Automatic Stay (the "Motion") February 25, 2011, which was set for hearing **March 22, 2011** (the "Hearing"). Movant seeks relief as to Debtors` real property located in Cherokee County, Georgia, now or formerly known as 406

Hunters Court, Ball Ground, GA 30107 (the "Property"), as more particularly described on Exhibit "A" attached to the Motion. Movant asserts that the Motion was properly served and hearing properly noticed. Neither Debtors nor the Trustee oppose the relief sought; accordingly, it is hereby

ORDERED that the Motion is *granted*: the automatic stay of 11 U.S.C. § 362 is **MODIFIED** to allow Movant to foreclose the Property, and take possession thereof in pursuit of its state law remedies; provided, however, any proceeds remaining after foreclosure of the Property which exceed the lawful debt and the expenses of sale incurred by Movant (if allowed by law and the Note) shall be promptly remitted to the Chapter 7 Trustee. Movant may also, at its option, offer, provide, and enter into a potential forbearance agreement, loan modification, refinance agreement, or other loss mitigation agreement. Entry of this Order, however, does not absolve the Debtors of any Court required duty to file all necessary pleadings, modifications, and amendments regarding any possible loss mitigation agreement. The 14 day stay provided in Bankruptcy Rule 4001(a)(3) shall not apply to this Order and Movant may proceed without further delay.

[END OF DOCUMENT]

Prepared and Submitted by:

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DISTRIBUTION LIST

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